

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:05CV263
(1:03CR50)

CHARLES JETER GRIFFITH,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on the Government's response to Petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 and its motion to dismiss.

The Government states in its response that an affidavit was requested from the Petitioner's trial counsel, but as of the date of filing its response, no affidavit had been received. **Government's Answer to Petitioner's Motion, filed October 25, 2007, at 10.** Because the Court determines that an affidavit from Petitioner's trial counsel, Gregory Newman, will be of benefit in resolving the issues herein, the Court will require that Mr. Newman file an affidavit.

IT IS, THEREFORE, ORDERED that Gregory A. Newman file an affidavit in this matter addressing the Petitioner's allegations contained in his motion to vacate, set aside, or correct sentence within 30 days from service of this Order.

The Clerk of Court is directed to mail Mr. Newman a copy of this Order along with a copy of the Petitioner's § 2255 motion filed herein.

Signed: November 1, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

